

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
Alexandria Division

REYNOLDS CONSUMER PRODUCTS INC.,

Plaintiff,

-v-

HANDI-FOIL CORPORATION,

Defendant.

Case No.: 1:13-CV-214 LO/TRJ

**Plaintiff's Memorandum In Support Of Its Motion To File Under Seal Portions Of
Plaintiff's Memorandum In Support Of Its Motion For Leave To Offer Damages Expert
Rebuttal Testimony Following His Previous Deposition Testimony,
And Supporting Documents**

Pursuant to Local Civil Rule 5, Reynolds Consumer Products, Inc. respectfully moves this Court for leave to file under seal portions of its memorandum in support of Plaintiff's Motion For Leave To Offer Damages Expert Rebuttal Testimony Following His Previous Deposition Testimony, and Exhibits A and B to the Declaration of Jessica D. Bradley, the Declaration of Mark Mutterperl and the Declaration of Richard Conroy filed in support thereof. This request to file under seal is to protect information that the Defendant Handi-Foil Corporation has designated as "Highly Confidential – Attorneys' Eyes Only" under the Protective Order in this case.

In the Fourth Circuit, courts may seal a document if the parties are provided public notice of the request to seal to allow time for objection, there is no less drastic alternative, the document contains confidential information not available to the public, and the interest in preserving confidentiality outweighs the public's interest in access. *See Ashcraft v. Conoco, Inc.*, 218 F.3d 282, 288 (4th Cir. 2000); *see also* E.D. Va. L. Civ. R. 5(C) (setting forth requirements for sealing

requests). Here, the documents at issue were designated as “Highly Confidential – Attorneys’ Eyes Only” by Handi-Foil. Accordingly, in compliance with its obligations under the Protective Order (*see* Dkt. No. 72), Plaintiff seeks sealing of these documents. (*See id.*)

In an effort to avoid any hearing by the Court, Plaintiff will work with Handi-Foil to determine whether the identified exhibit should remain under seal. To the extent a less drastic alternative to sealing is available, such as redaction, Plaintiff will endeavor to reach agreement with Handi-Foil on a redacted version of the documents identified in this motion that can be filed publicly. Until such an agreement can be reached, Plaintiff respectfully requests leave to file the identified documents under seal.

Dated: February 21, 2014

Respectfully submitted,

/s/ John G. Froemming

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CERTIFICATE OF SERVICE

I hereby certify that on February 21, 2014, a copy of the foregoing was filed electronically with the Clerk of Court using the CM/ECF system which will send notification to the following ECF participants:

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The undersigned also certifies that a copy of the foregoing was served by electronic mail on the following non-filing users:

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